

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 7/26/18

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA

- v. -

WILLIAM McFARLAND,

Defendant.

- - - - - x

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SECOND CONSENT PRELIMINARY
ORDER OF FORFEITURE/
MONEY JUDGMENT

S2 17 Cr. 600 (NRB)

WHEREAS, on or about July 26, 2018, WILLIAM McFARLAND (the "defendant"), was charged in a three-count Superseding S2 Information, S2 17 Cr. 600 (NRB) (the "S2 Information"), with committing wire fraud while on pretrial release, in violation of Title 18, United States Code, Sections 1343, 3147, and 2 (Count One); committing bank fraud while on pretrial release, in violation of Title 18, United States Code, Sections 1344, 3147, and 2 (Count Two); and making false statements, in violation of Title 18, United States Code, Sections 1001 and 2 (Count Three);

WHEREAS, the S2 Information included a forfeiture allegation as to Count One of the S2 Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense alleged in Count One of the S2 Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of

the offense alleged in Count One of the S2 Information the defendant personally obtained;

WHEREAS, on or about July 26, 2018, the defendant pled guilty to Counts One through Three of the S2 Information, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the S2 Information and agreed to forfeit, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), a sum of money equal to \$151,206.80 in United States currency, representing the amount of proceeds traceable to the commission of the offense charged in Count One of the S2 Information personally obtained by the defendant;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$151,206.80 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the S2 Information that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Count One of the S2 Information that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman,

United States Attorney, Assistant United States Attorney, Kristy J. Greenberg, of counsel, and the defendant, and his counsel, Susan Walsh, Esq., that:

1. As a result of the offense charged in Count One of the S2 Information, to which the defendant pled guilty, a money judgment in the amount of \$151,206.80 in United States currency (the "S2 Money Judgment"), representing the amount of proceeds traceable to the offense charged in Counts One and Two of the S2 Information that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Second Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, WILLIAM MCFARLAND, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding S2 Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, the United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. Upon entry of this Second Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Customs and Border Protection, or its designee the Office of Fines, Penalties, and Forfeitures shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Second Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Second Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney

Alexander J. Wilson, Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Second Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: Kristy J. Greenberg
KRISTY J. GREENBERG
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, NY 10007
Tel: (212) 637-2469

7/26/18
DATE

WILLIAM MCFARLAND,
DEFENDANT

By: William McFarland
WILLIAM MCFARLAND

6/28/18
DATE

By: Susan Walsh
SUSAN WALSH, ESQ.
Vladeck Raskin & Clark, PC
565 5th Avenue, 9th Floor
New York, New York 10017

7/26/18
DATE

SO ORDERED:
Naomi R. Buchwald
HONORABLE NAOMI R. BUCHWALD
UNITED STATES DISTRICT JUDGE

July 26, 2018
DATE